



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

Agency: Growth Management Hearings Board

Emergency Rule Only

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
XX Later (specify) July 1, 2010

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes XX No If Yes, explain:

Purpose:

To amend various provisions of the Rules of Practice and Procedures (WAC 242-02) and Public Records (WAC 242-04) related to the Growth Management Hearings Board to reflect the consolidation of the Boards into a single entity. These emergency rules also establish the procedures by which regional panels, which will hear matters coming before the Board, will be structured. This restructuring was performed via SHB 6214, adopted during the 2010 Regular Session of the Legislature.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 242-02, WAC 242-04

Suspended:

Statutory authority for adoption: RCW 36.70A.270(7)

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- XX That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- XX That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: With the 2010 Regular Session, the Legislature adopted SHB 6214 which changed the existing structure of the Growth Management Hearings Board in two regards – (1) consolidation of three boards into a single entity and (2) regional panel structure to hear and decide cases. SHB 6214 becomes effective on July 1, 2010 and without rules addressing how panels are constituted, the Growth Management Hearings Board would not be able to perform its statutorily required functions. In addition, without modification to rules which see the Board as three individual boards, the newly established single Board would not be able to perform daily functions or provide necessary public records assistance. Part of this reconfiguration is based on budgetary concerns and related to SHB 2935.

Date adopted: April 29, 2010

NAME (TYPE OR PRINT)

James McNamara

SIGNATURE

TITLE

Chair, Rules Committee

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 11, 2010
TIME: 9:32 AM

WSR 10-11-028

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____